



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/13/99

AGENDA ITEM

4

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: General Plan Amendment 98-110-04, Zone Change Application 98-190-09, Variance Application 99-180-05, Tentative Map Tract 7063 and a Request to Vacate Excess Right-of-Way Along Orchard Avenue - Greystone Homes, Inc. (Applicant), Serra LLC Et. Al. (Owners) The Property is Located on Orchard Avenue Along the East Side of the Southern Pacific Railroad Right-of-Way

RECOMMENDATION:

The Planning Commission (5:1) and staff recommend that the City Council:

1. Approve the Mitigated Negative Declaration;
2. Approve the General Policies Plan Map amendment and Zone Change request;
3. Approve Tentative Map Tract 7063;
4. Approve Variance Application 99-180-05; and
5. Approve the Vacation of Excess Right-of-Way on Orchard Avenue.

DISCUSSION:

Greystone Homes, Inc., the developer/applicant, is proposing a subdivision (Tentative Map Tract 7063) of the property into 74 single-family lots ranging in size from 4,000 to 8,287 square feet. Twenty-four lots have a minimum lot size of 4,000 square feet (50' by 80') and another 23 lots have between 4,001 and 4,999 square feet in area. Approximately 35 percent of the lots (27 lots) exceed 5,000 square feet in area. The density of the project is 6.4 dwelling units per gross acre.

The proposed General Plan Map amendment is for two parcels along Orchard Avenue, comprising approximately 5.8-acres of the 11.62-acre overall project area. The proposal is to change the General Policies Plan Map land use designation from Mixed Industrial to Limited Medium Density Residential. The accompanying zone change would be from the I (Industrial) District to the RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size) District. In addition, the southernmost parcel within the project area (approximately 1.8-acres) is proposed to be rezoned from the A (Agricultural) District to the RSB4 District, which is consistent with the requested zoning.

A Mitigated Negative Declaration has been prepared for the project. The Initial Study identifies impacts relating to traffic circulation and noise from the Southern Pacific Railroad. The traffic mitigation measures include improving the intersections of Jackson Street and Soto Road, and Orchard Avenue and Soto Road, which will result in an acceptable level of service of "D". For noise mitigation, the project will include a minimum 7-foot-high wall parallel to the railroad tracks. Consistent with this measure, all homes within 80 feet of the centerline of the railroad tracks will be air-conditioned so that windows may remain closed in warm weather.

Included in this application is the request to vacate a small portion of Orchard Avenue. The right-of-way is not needed for street purposes since the street dead-ends at the railroad right-of-way. The area would be included into Lot No. 74. Staff recommends that this small, irregularly shaped piece of right-of-way be vacated to the applicant.

The proposed subdivision is consistent with the recent development of new single-family homes on 4,000- and 5,000-square-foot minimum lot sizes that have been constructed in the neighborhood at the southwest corner of Orchard Avenue and Soto Road and on Avocado and Fig Courts. All of the subdivision lots are consistent with the requirements of the proposed zoning, except for Lot Nos. 60 and 61, which require a variance for lot depth. These lots have a minimum depth of 57 and 63 feet respectively, less than the required minimum lot depth of 80 feet. However, both lots exceed the minimum required lot size of 4,000 square feet. (Lot 60 is 5,897 square feet, and Lot 61 is 6,450 square feet). The requested variances for lot depth and allowance to decrease the front and rear yard setbacks of homes on these two lots are supported by staff and the Planning Commission.

A zone change on a portion of the 11.62-acre site from Agriculture and Industrial to RSB4 would result in an estimated demand for 1.06-acres of additional parkland. Park and open space areas within the Jackson Triangle Neighborhood are provided by the Eden Greenway (18.2-acres), Harder Elementary School and Muir School. The *Jackson Triangle Neighborhood Plan* identified the need for improvements to Eden Greenway such as benches, paved pedestrian and bicycle paths, trees, enhanced landscaping, playground equipment, tennis courts, and sidewalks along the street frontages.

The applicant favors improving the adjacent 1-acre P.G.&E. easement area in conjunction with their housing development as a park since the recreational space would be beneficial to their proposed tract. The tract is designed to maximize the interface with the future park land. The City will explore this option with HARD to determine the best use of Park Dedication Fees to address park needs in the area. The conditions of approval require the payment of park dedication fees and that prior to occupancy of the first unit, that the park issue be resolved with the City and HARD.

On June 24, 1999, the Planning Commission voted 5:1 to recommend approval of the project. There were no neighbors or interested persons who spoke regarding this project. The Commissioner who voted against the project indicated that a single-family development of the property was appropriate, but there were too many lots, which could result in a significant impact on traffic.

In response to another Commissioner's concerns regarding school impacts, the applicant indicated that they are negotiating with the Hayward Unified School District regarding possible mitigation measures, such as new playground equipment or landscaping, to compensate for the development's impacts. Since the Planning Commission hearing, the developer has informed staff that any payment above the statutory level will more than likely not occur. The enactment of recent legislation prohibits denial of a project based on school impacts and limits exactions to \$1.93 per square foot. However, the developer may volunteer to mitigate impacts on schools over and above the standard \$1.93 per square foot fee, which was the case for recent the Summerhill and Sakai developments.

With the passage of Proposition 1A on November 3, 1998, local governments are prohibited from denying projects based on the adequacy of school facilities and from seeking funds to mitigate impacts in excess of \$1.93 per square foot for residential construction. The school district is currently seeking funds made available by the State. The developer has been informed that in some of the recent subdivision applications, the developers have been working with the school district to mitigate impacts that the standard school fee would not cover.

Based upon Hayward Unified School District (HUSD) 1998 figures, the proposed 74 new residences will result in an estimated increase of 19 school-age children in grades K-6. Elementary students in this proposed residential project would attend John Muir Elementary ((grades K - 6) School (Muir School). Muir School was constructed for 540 students. As of October, 1998, the enrollment was at 707. Eleven portable classrooms have been added to the campus to accommodate the additional enrollment. (Note: The School District states that the 1997-98 enrollment at Muir School reached 795 and the projections for 1998-99 were even higher, so the District moved one attendance boundary to Schafer Park School.) The State's Class Size Reduction program reduced the K-3 class size to 20:1. At Muir School, the implementation of the 20:1 program required 7 additional classrooms over the number that would have been needed if the student-teacher ratio were 30:1. There are presently 30 classrooms at the school. Classes K-3 are limited to 20 students each while 4th -6th grades are set in classes that have 30 to 35 students each.

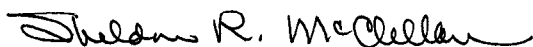
The HUSD administration states that the approximate 19 students that would be generated from the proposed development can be accommodated at the facility. The Muir School principal, however, points out that if this number is correct, an additional portable classroom will have to be sited on the campus which has been losing its play area to classrooms. The principal also states that the multi-purpose room at Muir School is impacted which has caused the school to schedule four lunch periods. The district administration states that with the continual increase in student population in the area, other attendance boundary changes will more than likely occur at this school and that they will be reopening other school campuses (e.g. Bidwell) and will be making further adjustments to school attendance boundaries.

The Planning Commission found the project to be consistent with the intent and policies of the *General Policies Plan* and the *Jackson Triangle Neighborhood Plan*. Both encourage limited medium density housing and the opportunities for home ownership. The project is compatible with the surrounding uses and development pattern and will enhance the residential character of the area.

CONCLUSION:

The proposed General Plan Map amendment and the rezoning of the property to allow residential development to occur on the five parcels is consistent with the intent and policies of the *General Policies Plan* and the *Jackson Triangle Neighborhood Plan*.

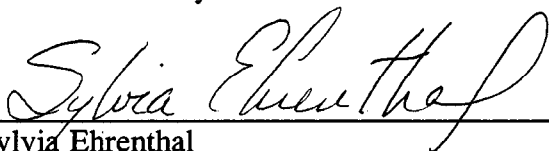
Prepared by:



Sheldon McClellan

Senior Planner

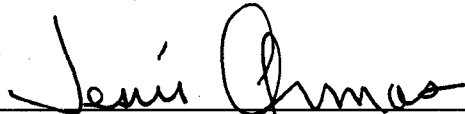
Recommended by:



Sylvia Ehrental

Director of Community and Economic Development

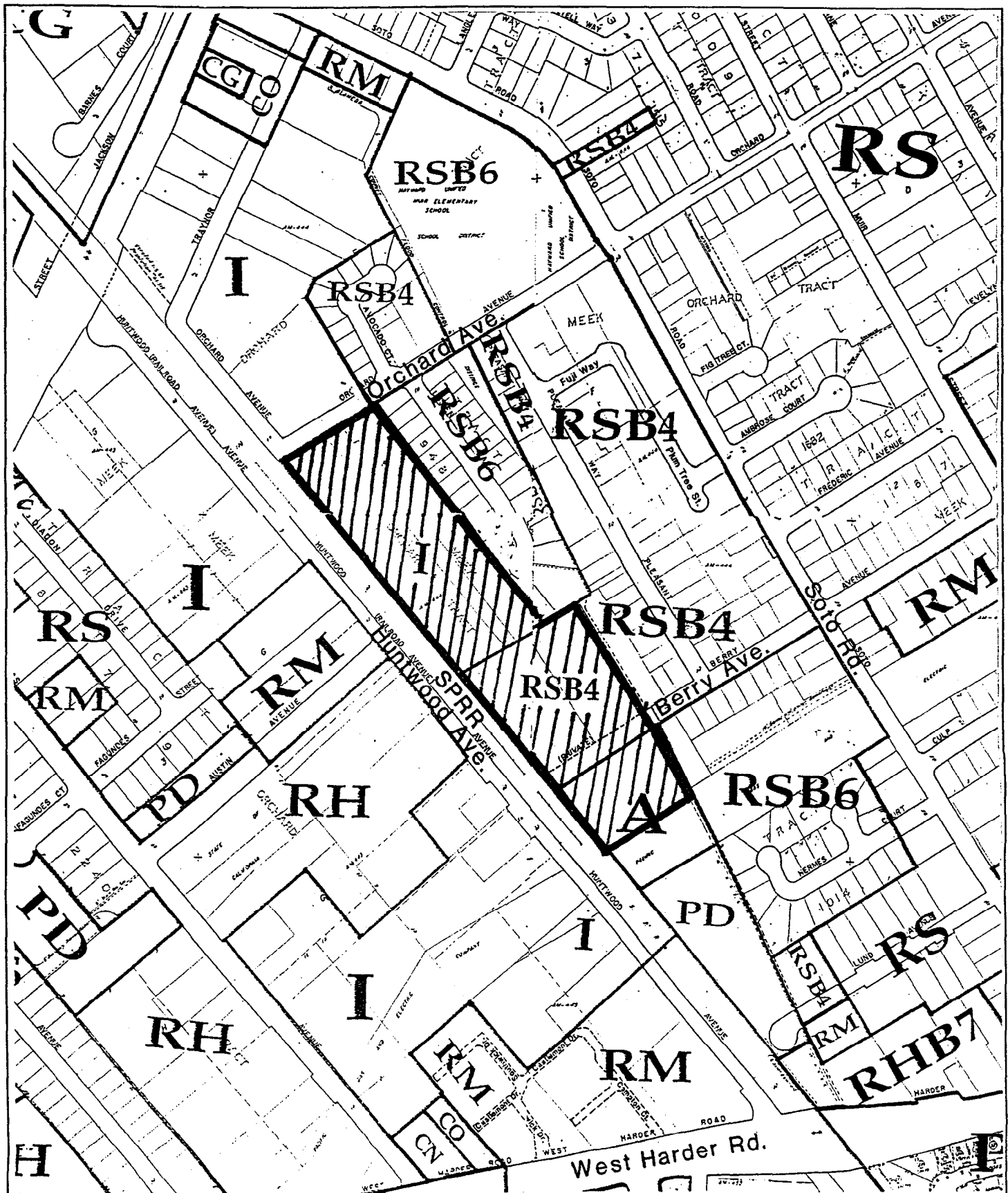
Approved by:



Jesús Armas, City Manager

Attachments:	Exhibit A	Zoning/Area Map
	Exhibit B	Findings for Approval - General Plan Amendment/Zone Change
	Exhibit C	Findings for Approval - Vesting Tentative Map Tract 7063
	Exhibit D	Findings for Approval - Variance to Lot Depth and Setbacks
	Exhibit E	Conditions of Approval - Vesting Tentative Map Tract 7063
	Exhibit F	Mitigated Negative Declaration
	Exhibit G	Vacation of Excess Right-of-Way
	Exhibit H	Draft Planning Commission Meeting Minutes and Staff Report dated June 24, 1999 Vesting Tentative Map Tract 7063 Preliminary Site Plan Draft Resolution(s)

7.09.99



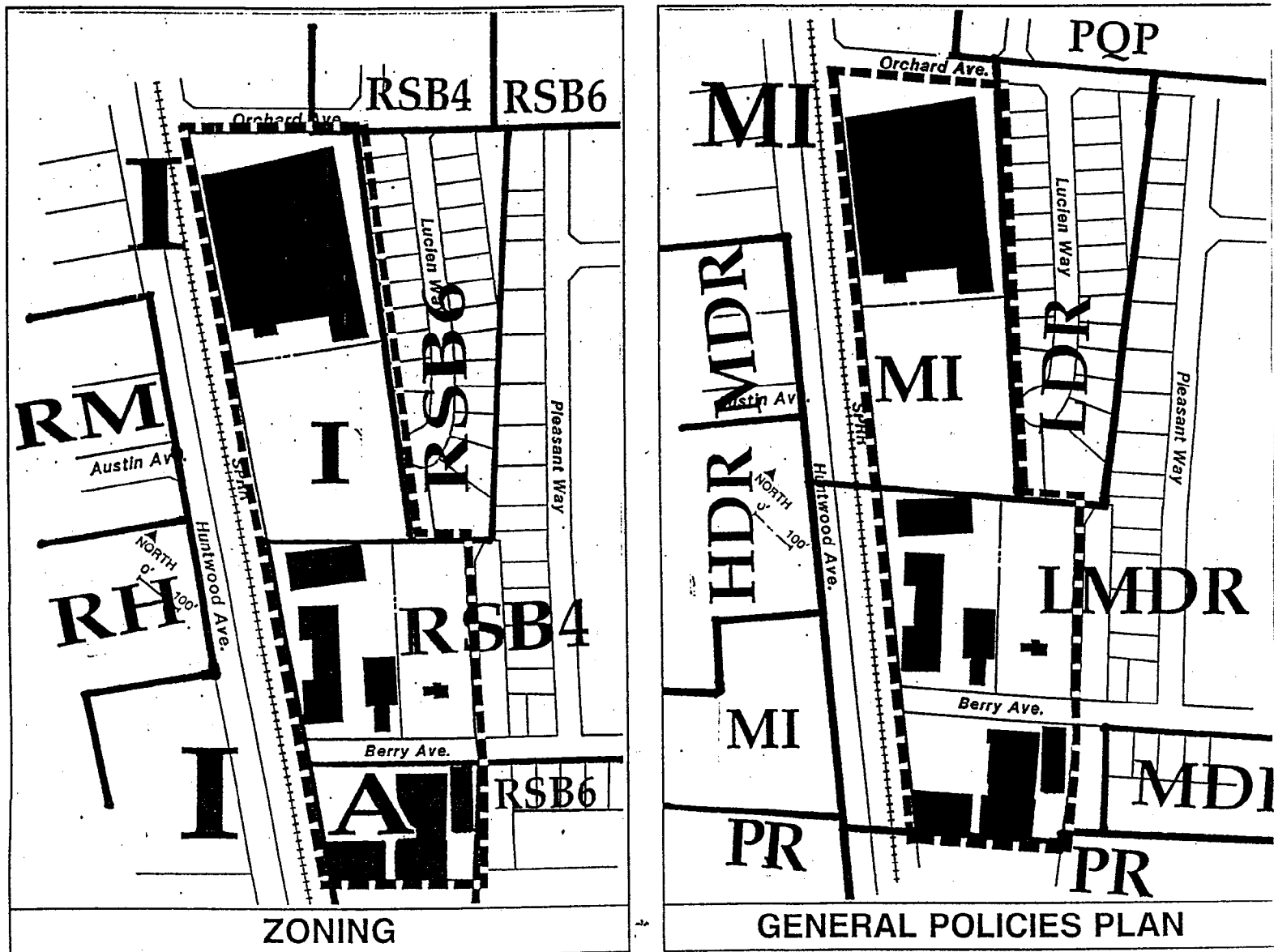
ZONING/AREA MAP ■ GPA 98-110-04/ZC 98-190-09

Don Lapidus/Greystone Homes (Appl.)

Serra LLC, B & M Estates, Inc., John Kienoski, Stanley Naruo (Owner)

11.62+ acres between Orchard Ave. & PG&E Easement

COMPARISON OF ZONING & GENERAL POLICIES PLAN MAP DESIGNATIONS ON DEVELOPMENT SITE



General Policies Plan Map Legend

LDR	Low Density Residential – 4.3-8.7 DU/Net Acre
LMDR	Limited Medium Density Residential – 8.7-12.0 DU/Net Acre
MDR	Medium Density Residential – 8.7-17.4 DU/Net Acre
HDR	High Density Residential – 17.4-34.8 DU/Net Acre
MI	Mixed Industrial
PR	Parks and Recreation
PQP	Public & Quasi-Public

FINDINGS FOR APPROVAL

GENERAL POLICIES PLAN ADMENDMENT 98-110-04 and ZONE CHANGEAPPLICATION 98-190-09

Greystone Homes, Inc. (Applicant) - Serra LLC., et. al. (Owners)

Based on the staff report and the public hearing record, the City Council finds:

- A. That change in land use designation on the General Policies Plan Map and rezoning will have no significant impact on the area's resources, cumulative or otherwise, and the Mitigated Negative Declaration is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgement of the City Council, based on the fact that the project could not have a significant environmental impact;
- B. That the proposed land use and zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the extent and density of development will be guided into a cohesive pattern that maintains zoning consistency and furthers the City's goal to provide for residential development that offers home ownership housing opportunities as expressed in the Housing Element;
- C. That the proposed land use and zone change is in conformance with the City's General Policies Plan, the Jackson Triangle Neighborhood Plan and the Zoning Ordinance;
- D. That the proposed zone change and site development plans with a density of 6.4 units/acre are in conformance with the *General Policies Plan Map* designation of Limited Medium Density Residential (8.7 - 12 units/acre) and are consistent with the purpose and requirements of the Single-Family Residential zoning district to provide a suitable environment for family life;
- E. That the streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

FINDINGS FOR APPROVAL

Vesting Tentative Tract Map 7063

Greystone Homes, Inc. (Applicant) - Serra LLC., et. al. (Owners)

Based on the public hearing record, the City Council finds as follows:

- A. The vesting tentative tract map, for 74 single-family residential lots as conditioned, is in substantial conformance with the project reviewed under the attached Mitigated Negative Declaration, which reflects the independent judgment of the Planning Commission.
- B. The proposed subdivision, upon approval of the General Plan Amendment and Rezoning, will be consistent with the General Policies Plan and the City's Subdivision Regulations, in that it would be compatible with the objectives, policies, and programs specified in the General Plan.
- C. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
- D. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
- E. None of the findings for denial set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
- F. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
- G. Upon completion and implementation of the required mitigation measures and proposed conditions of approval, the streets and utilities would be adequate to serve the development.

FINDING REGARDING VACATION OF EXCESS RIGHT-OF WAY

- H. That the vacation of excess right-of-way along Orchard Avenue is consistent with the General Plan, in that Orchard Avenue will be fully improved consistent with the General Plan Policies, and the vacation of excess right-of-way will not conflict with any of the circulation element goals.

**FINDINGS FOR APPROVAL
Vesting Tentative Tract Map 7063
Variance for Lot-Depth and Setbacks for Lots 60 and 61**

Greystone Homes, Inc. (Applicant) - Serra LLC., et. al. (Owners)

Based on the public hearing record, the City Council finds as follows:

1. There are special circumstances applicable to the property, in that the lots for which variance is requested are created as result of a preferred street layout by the City;
2. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties under the same zoning classification, in that these lots significantly exceed the minimum area required for the underlying zoning classification; and
3. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone in which the property is situated, in that setback requirements will be satisfied for a turned orientation, and additional constraints are placed as a condition of granting the variance.

CONDITIONS OF APPROVAL
Vesting Tentative Tract Map 7063

Greystone Homes, Inc. (Applicant) - Serra LLC., et. al. (Owners)

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code (Chapter 10, Article 3, and Standard Specifications and Details) unless otherwise indicated.

In addition to the City of Hayward Standard Specifications and Details, the following requirements and conditions apply, and shall be incorporated in the project plans and specifications as applicable:

PRIOR TO THE RECORDATION OF THE FINAL MAP

Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer. Any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

Dedications and Easements

1. The final map shall:
 - a. Dedicate all designated public streets to the City of Hayward, based on right-of-way standards depicted on the face of the map. The cross-section of "B" Loop shall be based on a 40-foot standard with parking on one side only, and sidewalk on one side opposite the sound wall, as shown on the map and as approved by the City Engineer.
 - b. Dedicate a 6-foot-wide public utility easement, parallel to and abutting the public street right-of-way.
2. Vacate and merge excess right-of-way along the Orchard Avenue curve with Lot No. 74.
3. A 10-foot-wide water main easement shall be dedicated to the City of Hayward at any location where the public water main is outside of the public street right-of-way.
4. Record a 10-foot maintenance easement along the west side of the sound wall (within the railroad right-of-way), for wall maintenance.
5. Record a 10-foot maintenance easement along the east side of the sound wall (within the private rear yards of all lots abutting the sound wall) for maintenance of buffer landscaping and irrigation system.

Subdivision Agreement

6. Enter into a subdivision agreement with the City of Hayward and post security for the construction of the tract public improvements per Section 10-3.332, *Security for Installation of Improvements*, of the Municipal Code.
7. Provide liability insurance per Section 7-2.41, *Responsibility for Accidents, Liability Insurance*, of the Municipal Code.

Conditions, Covenants and Restrictions

8. Prepare Conditions, Covenants and Restrictions (CC&R) for all homes within the tract for review and approval by the Planning Director and City Attorney prior to approval of the first final map. The CC&R's shall include the following requirements:
 - a. That property owners properly maintain the private yard landscaping and trees that are not the responsibility of the homeowners' association;
 - b. A restriction against the storage of recreational vehicles, trailers or trailer-hauled boats within front yards or on driveway aprons of all properties, or public streets;
 - c. That the garage of each unit be maintained for off-street parking and shall not be converted to living area;
 - d. That individual garbage can(s) and recycling containers be stored within the garage or fenced in side yard area of each dwelling unit except upon pick-up day;
 - e. Mechanical equipment, such as air conditioners and heating unit, shall be prohibited on roof-tops;
 - f. That a professional management company be responsible for managing the homeowners' association;
 - g. That the homeowners' association shall be responsible for ensuring that green waste from common and open space areas will be recycled or composted;
 - h. That the homeowners' association shall be authorized to enforce the CC&R's; and
 - i. That the City shall have the ability to place liens on all properties within the subdivision if the homeowners' association fails to fulfill its maintenance obligations.
9. The CC&Rs shall establish a Homeowners' Association (HOA) or some alternate mechanism acceptable to the City to maintain the following:
 - a. Landscaping within the public right-of-way along the sound wall;
 - b. Fence and landscaping along the south property line;
 - c. Landscaping facing the railroad tracks planted on the east side of the sound wall; and
 - d. Related irrigation systems.

Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. The association shall be required to maintain a reserve fund to cover the costs of replacement and repair of facilities, and shall be authorized to enforce the provisions of the CC&Rs.

Noise Mitigation

10. Install a sound wall along the railroad tracks per the recommendations of the *Railroad Noise and Vibration Assessment Study* for the project, dated July 1, 1998 by Edward L. Pack Associates, as amended. Walls along the railroad shall have a minimum height of 10 feet. The sound wall shall extend easterly along the south property line up to the front yard setback of Lot 40.
11. The sound wall along Lot No. 74 shall be extended in a straight line to a distance that maintains the noise attenuation per City Standards, per the amended noise assessment study. The wall shall be stepped down beyond that point to avoid an abrupt termination - as approved by the Planning Director.
12. The sound wall along Lot No. 74 near Orchard Avenue shall be extended in a straight line pursuant to the revised noise study, and stepped down to avoid an abrupt termination - as approved by the Planning Director.
13. Provide sound insulation for homes along the railroad tracks per the recommendations of the noise study, and install air conditioning units in all homes that abut the sound wall.

Special Design Requirements

14. Single-family dwellings located on corner lots shall have design enhancement on the side elevations facing the side streets. Materials and design elements shall correspond with those used on the front elevations of the models and shall include bay windows, pop-outs or equal treatment to provide an interesting facade.
15. The following design requirements shall apply to Lots 60 and 61:
 - a. The side and rear elevations of dwellings on Lots 60 and 61 (facing "B" Loop) shall have the same level of design enhancement as used for front elevations and shall include design elements as required in Condition No. 14;
 - b. The unit on Lot 60 shall provide a 10-foot-wide setback from the street in order to maximize the rear yard setback abutting Lot 67;
 - c. The floor plan of each unit shall be customized so that second floor rooms and their window placement shall be arranged to maximize privacy of the abutting lots; and
 - d. A tall planting screen shall be placed along the easterly edge of the lots where the window treatment is a problem and cannot be resolved otherwise.

Walls and Fences

16. The sound wall along the Southern Pacific Railroad right-of-way shall incorporate a textured face on both sides of the wall and shall have decorative columns and cap.
17. A security fence shall be placed along the south property line between the side yard fencing of Lots 39 and 40. The fence shall be composed of a 3-foot-high decorative concrete wall along the base and topped with a wrought-iron fence, and provide a 14-foot-wide decorative gated-access way for the P.G.&E. easement area; as approved by the Planning Director.

Landscaping and Lighting District

18. Developer shall agree to the formation of a landscaping and lighting district for the purpose of maintaining the sound wall along the railroad and along the south property line abutting Lot 40 (surface repair and graffiti removal only).
19. Deposit \$10,000 with the City of Hayward for the formation of the landscaping and lighting district prior to the approval of the first final map. A written disclosure of the special assessment district including an estimate of the annual assessment shall be provided to potential buyers. The special notice for the assessment shall be prominently highlighted in a form to be approved by the City Attorney.

Public Improvements

20. Pay \$120,000 as fair share contribution towards needed intersection improvements at the intersections of Soto Road and Orchard Avenue, and Soto Road and Jackson Street.
21. All tie-in pavement along Orchard Avenue shall be in conformance with City Standard Detail SD-113. The existing pavement along the project's frontage on Orchard and Berry Avenues shall be overlaid or rebuilt to conform to the design grades at the centerline.
22. Perform necessary deep-lift repairs and construct a 2-inch overlay on Berry Avenue between the project limits and Soto Road consistent with City Standards, and as approved by the City Engineer. Berry Avenue overlay south of Soto Road shall be installed after the subdivision streets have been installed.
23. Install public street improvements along the curve of Orchard Avenue at the northwest corner of the tract, to the satisfaction of the City Engineer. Right-of-way outside the curve shall be vacated and merged with Lot 74. Improvements around the curve and installation of the sound wall may require relocation or replacement of a fire hydrant and a drainage inlet, as directed and approved by the City Engineer.
24. All interior streets shall conform to a 46-foot-wide right-of-way public standard, in conformance with City Standard Detail SD-102, except "B" Loop, which shall conform to a 40-foot-wide public standard with parking and sidewalk on the east side of the street only.
25. Curb returns shall be a minimum 30-foot radius at the curb face.
26. Prepare a street lighting plan in accordance with Standard Detail SD-120, incorporating an underground electrical system. All streetlights shall become the property of the City of Hayward and shall be constructed under LS-2A tariff. The electroliers shall be in operating condition before occupancy permits are approved.

Storm Drainage

27. Storm water runoff from the site is designated to drain into Flood Control District Zone 4, Line E, an open concrete channel.
28. The subdivision storm drain system shall be public, designed in accordance with the City of Hayward standard details. The design of the drainage system shall be reviewed and approved by the Alameda County Flood Control District.
29. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff.

30. No surface runoff will be allowed to flow over the existing bank. The outfall structures to the channel shall conform to ACFC&WCD standards.
31. The developer shall provide measures to prevent the discharge of contaminated materials into public drainage facilities. It is the responsibility of the applicant to comply with Federal, State and local water quality standards and regulations.
32. The project shall not block runoff from, or augment runoff to adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
33. It should be noted on the plans that: "An encroachment permit shall be obtained from Alameda County Flood Control and Water Conservation District prior to commencement of any work within the District right-of-way and for the construction, modification or connection to District maintained facilities. The contractor shall contact the District Inspector prior to survey staking any outfall structures. All workmanship, equipment, and materials shall conform to District Standards and Specifications".
34. All storm drains shall be no less than 12-inches in diameter to minimize maintenance problems. Minimum cover over the drainage pipes shall be 3 feet.

Sanitary Sewer

35. The sanitary sewer system shall be public, designed in accordance with the City of Hayward Standard Details.

Water System

36. The water supply system shall be public, designed in accordance with the City of Hayward Standard Details.
37. The water system shall be a looped system designed with no mains terminating at a dead-end. Any water main easement shall be a minimum width of 10 feet.
38. Any dwelling that cannot maintain 20-psi residual pressure shall be required to install a backflow prevention device.

Fire Protection

39. The type and spacing of fire hydrants shall be subject to review and approval by the City of Hayward Fire Chief.
40. Fire hydrants shall be installed in accordance with the City of Hayward and Uniform Fire Code requirements. Fire hydrants shall be installed every 400 feet and shall be capable of flows of 1,500 gallons per minute at 20-psi for a two-hour duration. Type of hydrant shall be a double steamer (2-4½" outlets and 1-2½" outlet).

Utilities

41. The developer shall underground all new and existing utility lines and transformers, to include all utilities along the project's frontage on Orchard Avenue, and on Berry Avenue to the first offsite utility pole. All utility services shall be "underground services," and shall comply with the requirements and standards of the utility service provider.
42. All surface-mounted utility hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

PRIOR TO GRADING

43. Submit a detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist for review and approval by the City and ACFC&WCD. The proposed curb elevations shall not be less than 1.25' above the hydraulic grade line, as shown in Figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line.
44. Submit a construction Best Management Practice (BMP) program for review and approval by the City Engineer. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
45. This project is subject to a National Pollutant discharge Elimination System (NPDES) permit. Provide evidence that a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) were filed and received by the State Water Resources Control Board. The SWPPP shall be reviewed and approved by the City of Hayward and by ACFC &WCD. The grading plans shall state: "All grading shall be in accordance with the Storm Water Pollution Prevention Plan (SWPPP) prepared by the developer, per the NOI on file with the (SWRCB)."
46. Submit a Storm Water Quality Plan (SWQP) for review and approval by the City Engineer. The plan shall include sufficient details to show how storm water quality shall be protected during construction and post-construction phase of the project.
47. The construction phase plan shall include Best Management Practices (BMPs) from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operation phase plan shall include BMPs appropriate to the uses conducted on the site, to effectively prohibit the entry of the pollutants into storm water runoff from this site, including, but not limited to trash and litter control, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm drain inlets with the wording "No Dumping - Drains to Bay," and other applicable practices.

48. Submit a grading, erosion and sedimentation control plan for review and approval by the City Engineer. Plan shall include adequate provisions for silt and erosion control in both construction and post-construction phases of development.
49. The project plan measures shall include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
50. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Tree Removal and Preservation

51. Prior to issuance of a grading permit, a tree removal permit shall be obtained from the City before removing any live tree 10" or larger in diameter. The value of the trees shall be determined by a certified arborist according to the "Trunk Appraisal Method" contained in the Guide for Plant Appraisal (1992) published by the International Society of Arboriculture. Mitigation measures shall be as determined by the City, based upon the arborist's report, and may include planting additional trees on-site and/or upgrading the size of new street trees.
52. Grading and improvement plans shall include tree protection and preservation measures for any trees to remain as approved by the City's Landscape Architect, including installation of a fence at the dripline of the trees during the construction period. Any canopy or root pruning shall only be performed under the supervision of a certified arborist.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

53. Prior to the approval of improvement plans, or issuance of the first building permit, whichever first occurs, a fencing plan showing the location and details of all lot line and perimeter fences and walls shall be submitted for review and approval by the Planning Director. Cut sheets and color samples shall be provided for pre-fabricated fences and walls.
54. Prior to the approval of improvement plans, or issuance of the first building permit, whichever first occurs, a Street Tree Plan, detailed landscaping and irrigation plans for all common areas and front yards shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
 - a. The Street Tree Plan shall include a minimum of one street tree for every 50 feet of frontage on each lot, or portion thereof. The planted size shall be a minimum of 15-gallons. Trees shall be spaced evenly and planted according to City Standard Detail SD-122. Trees shall be planted along the back of the public utilities easement, or 5 feet behind the sidewalk where there is no easement.
 - b. One 15-gallon tree shall be planted every 20 lineal feet the full length of the sound wall along the west property line, including private yards.
 - c. Masonry walls and fences facing the street shall be buffered with shrubs and vines.

- d. Evergreen vines shall be planted 5 feet apart on the inside of the sound wall along the west property line. A 6-inch hole shall be provided at the base of the wall at each vine, which shall be trained to grow on the wall exterior. Evergreen vines shall be planted 5 feet apart on the inside of the masonry wall along the south property line. Vines shall be 5-gallon minimum size at time of planting.
- e. Common area and front yard landscape plans shall include Fescue sod where turf is specified. Front yard and side street yard landscaping shall include a variety of shrubs and groundcovers, a minimum of one 15-gallon tree and a maximum turf area of 50%. Shrubs shall be incorporated to screen all mechanical equipment and utility boxes from view.

DURING CONSTRUCTION

- 55. All construction traffic shall be routed through Berry Avenue. Berry Avenue improvements south of Soto Road shall be installed after the subdivision streets have been installed.
- 56. Access requirements shall meet City standards. All fire equipment turning areas shall be posted as such, and no parking will be allowed in fire equipment turning areas.
- 57. Approved Hayward Fire Department access and water supply shall be available for fire equipment prior to the start of construction and during construction. Access shall be all-weather surface designed to support fire equipment of 50,000 GVW. Access shall be available to within 150 feet of the most remote point of each structure.
- 58. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:
 - a. Grading and construction activities shall be limited to the hours of 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or National holidays;
 - b. Grading and construction equipment shall be properly muffled, and unnecessary idling shall be prohibited;
 - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
 - e. Provide for daily clean up of trash and debris on City roadways affected by construction activities;
 - f. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - g. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - h. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - i. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

- j. Sweep adjacent streets daily (with water sweepers) if visible soil material is carried onto adjacent streets;
- k. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- l. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); and
- m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

59. The following shall be conditions of the Building Permit:

- a. Gather all construction debris on a regular basis and place in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15); 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- f. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
- g. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains;
- h. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15 and April 15 unless approved erosion control measures are in place;

- i. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board;
- j. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer; and
- k. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to submit daily all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES OR ISSUANCE OF CERTIFICATES OF OCCUPANCY

60. The developer shall pay the following fees:

- (a) Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued;
- (b) Supplemental Building Construction and Improvement Tax;
- (c) Building Construction and Improvement Tax; and
- (d) School Tax.
- (e) Park Dedication In-Lieu Fees, or enter into an agreement with HARD for improvement of the Eden Greenway. As per the City's Parkland Dedication Ordinance, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits.

61. Front yard landscaping and street trees shall be installed prior to occupancy of each lot.

62. Prior to certificates of occupancy, the street light electroliers shall be in operating condition and approved by the City Engineer.

63. Prior to occupancy of the first dwelling, the City and HARD shall resolve the park issue for compliance with the requirements of the General Policies Plan.

PRIOR TO CITY ACCEPTANCE OF TRACT IMPROVEMENTS

64. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and the completion attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

65. An AC overlay along Orchard Avenue and Soto Road may be required by the City Engineer to repair any pavement damage resulting from construction traffic.

66. Submit an "as built" plan showing all underground facilities and site improvements.
67. The soils engineer shall supply the City with "as built" drawings and reports of soil and underdrain conditions to assure proper documentation of the situation after completion.
68. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
69. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
70. The developer shall maintain the landscaping for a minimum of one-year following acceptance of tract improvements. A security deposit, bond, or surety shall be required to guarantee the maintenance of the landscaping.
71. Landscaping shall be maintained in a healthy, weed-free condition at all times. The homeowners' association representative shall inspect the landscaping on a monthly basis and replace any dead or dying plants (plants that exhibit over 30% die-back) within ten days of the inspection. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City's Landscape Architect.



**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division**

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

GENERAL PLAN AMENDMENT 98-110-04; ZONE CHANGE 98-190-09; TENTATIVE MAP TRACT 7063 – GREYSTONE HOMES, INC. (APPLICANT), SERRA LLC., et. al. (OWNERS). Request to subdivide five parcels totaling 11.62 acres into 74 single-family residential lots (Tentative Map Tract 7063). The project requires the amendment of the General Policies Plan Map to change the land use designation from Mixed Industrial to Limited Medium-Density Residential; change the zoning from I (Industrial) and (A) Agricultural to Single-Family, 4,000-square-foot minimum lot size (RSB4).

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

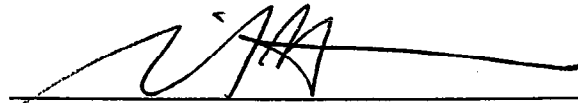
The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project is in conformance with the General Policies Plan Map designation of Limited Medium-Density Residential in that single-family homes are proposed at a density of 6.6 dwelling units per acre, and the General Policies Plan Map is requested to be amended to Limited Medium-Density Residential for that portion of the property designated as Mixed Industrial.
3. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Single-Family Residential District, 4,000-square-foot minimum lot size (RSB4), for the property in that it consists of residential lots that are consistent with the regulations for the district, and a change of zoning to Single-Family Residential District, 4,000-square-foot minimum lot size (RSB4) has been requested for that portion of the property that is zoned Industrial (I) and Agricultural (A).

4. The project will not result in an increase in population which exceeds official regional or local population projections.
5. The project would not result in increased traffic congestion in that the *103 Orchard Traffic Study*, prepared by TJKM Transportation Consultants, revealed that the project is expected to generate only 76 afternoon peak hour trips. The Alameda County Congestion Management Agency is not providing comment because the project does not meet the Tier 1 requirement of 100+ afternoon peak-hour trips requiring further study. While certain intersections already operate at Level of Service D, all intersections are expected to operate at acceptable levels of service (D or better).
6. The Hazardous Materials Program Coordinator feels that, based upon review of environmental documents and other information available (previous Phase I & Phase II investigations and shallow soil testing), it is a reasonable assumption that the level of contamination defined to date can be mitigated. A condition of approval will require that the environmental assessment be completed and all contamination issues related to the proposal be resolved to the satisfaction of the Alameda County Health Care Service Agency, California Regional Water Quality Control Board (San Francisco Bay Region) and the City of Hayward Fire Department prior to any construction activities.
7. An existing noise/vibration environment is created by the Southern/Union Pacific Railroad train traffic. The *Railroad Noise & Vibration Assessment Study* prepared by Edward L. Pack Assoc., Inc. indicates that noise level excesses occur and mitigation measures will be required. Ground-borne vibration will be perceptible, but will be within standard limits. The future environment is expected to remain constant. The exterior noise exposure at the most-impacted building is 63 dB DNL; the interior exposure is 48 dB. These numbers are 3 dB in excess of the City standards. Conditions of approval will include the following: 1) Construct a minimum 7-foot-high acoustically-effective barrier along the property line contiguous with the SPRR/UPRR tracks. The barrier must continue along the north/south property lines for a distance of 35 feet; and 2) Maintain closed at all times all second-floor windows of living spaces within 80 feet of the centerline of the tracks and with a direct or side view of the tracks. Install windows rated a minimum of STC28. Provide mechanical ventilation. -or- These windows may be kept open up to 50% of the time for natural ventilation if they are rated a minimum of STC34.
8. Based on Hayward Unified School District comment, the project will result in an estimated increase of 19 students in grades K-6. HUSD indicates that there is sufficient classroom capacity at Muir School to accommodate the additional students. Payment of School Taxes will be required at the time of construction of the new units.
9. The payment of fees, dedication of parkland, or construction of park improvements in the neighborhood will reduce the impact of the proposed project recreation resources to a level of insignificance.

IV. PERSON WHO PREPARED INITIAL STUDY:



Richard E. Patenaude, Associate Planner

Dated: May 20, 1999

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4210

DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing. Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

INITIAL STUDY CHECKLIST FORM

Project title: General Plan Amendment 98-110-04; Zone Change 98-190-09; Tentative Map Tract 7063

Lead agency name and address: City of Hayward, 777 B Street., Hayward, CA 94541-5007

Contact persons and phone number: Sheldon McClellan, Senior Planner (510) 583-4215

Project location: East side of the Southern Pacific Railroad between Orchard Avenue and the P.G.&E. easement (Eden Greenway) south of Berry Avenue.

Project sponsor's name and address:
Greystone Homes, 920 Hillview Court, Suite 280, Milpitas, CA 9503

General plan designation Mixed Industrial and Limited Medium-Density Residential (8.7-120 dwelling units per acre)

Zoning: I (Industrial); RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size); and A (Agricultural) Districts.

Description of project: Request to subdivide five parcels totaling 11.62 acres into 74 single-family residential lots (Tentative Map Tract 7063) and request a variance for the lot depths of two lots ranging between 57 to 68 feet where a minimum 80-foot-depth is required. The project requires the amendment of the General Policies Plan Map to change the land use designation from Mixed Industrial to Limited Medium-Density Residential; change the zoning from I (Industrial) and A (Agricultural) Districts to RSB4 (Single-Family, 4,000-square-foot minimum lot size) District.

Surrounding land uses and setting:

The site is bounded on the northerly side by Orchard Avenue. Across Orchard Avenue are the Pacific Bell Service Center and other Industrial buildings and open storage areas. The site is bounded on the westerly side by the Southern Pacific Railroad and on the south by the P.G.&E. easement (Eden Greenway) and a multi-family project with access from the terminus of Lund Avenue. Single-family detached homes are located along the easterly boundary which have access from Lucien Way and Pleasant Way. In general, the neighborhood is in transition with replacement of older uses with new residential development such as what has occurred on the Fuji Nursery and other nearby properties.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

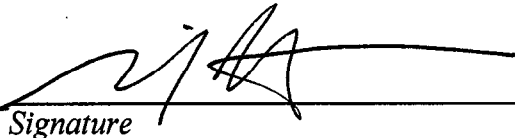
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use and Planning	<input checked="" type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geological Problems	<input type="checkbox"/> Energy and Mineral Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Water	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Recreation
<input type="checkbox"/> Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



Signature

May 18, 1999

Date

Richard E. Patenaude

Printed name

City of Hayward

For

ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. LAND USE AND PLANNING. <i>Would the proposal:</i>				
a) Conflict with general plan designation or zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: A 5.8+ acre portion of the property is designated as *Mixed Industrial* on the General Policies Plan Map with *Industrial (I)* zoning. The remainder of the site, approximately 5.8+ acres, is designated *Limited Medium-Density Residential* on the General Policies Plan Map with zoning of *RSB4 (Single-Family Residential, minimum 4,000 sq.ft. lots) and A (Agricultural) Districts*. This request includes a General Plan Amendment and rezoning of the industrial parcels to that of the remainder of the property (residential). The proposed project is consistent with the *Limited Medium-Density Residential* General Plan designation and the RSB4 zoning.

A key issue of the Jackson Triangle Neighborhood Plan Task Force was whether industrial uses should remain in this area or whether there should be a transition to other uses. Residents supported compatible industrial uses assuming that the City would develop a “Light Industrial” zone district for these specific industrial-residential interfaces; this zone district has not been developed. In the absence of such a zone district, it may be preferable to transition this isolated industrial area to residential use.

The Jackson Triangle Neighborhood Plan promotes residential development at the terminus of Berry Avenue at the proposed density.

b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: The project is consistent with other residential projects and zoning in the area. See also comments under I.a) above.

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|--------------------------|
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment: The project contains an existing flower nursery operation on a 1.8-acre parcel southerly of Berry Avenue. This operation takes place in greenhouses and on raised platforms and agricultural soils are not affected.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project site consists mainly of underutilized and abandoned industrial properties. The proposed residential use will be more compatible than the existing industrial uses within the existing residential community.

II. POPULATION AND HOUSING. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The increase in population (226 persons) resulting from the creation of 74 single-family lots will not exceed local population projections. | | | | |
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The surrounding area is developed, and therefore, the development of the subject site will not necessarily induce similar or larger projects in the area since vacant land is not available.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site contains a variety of underused/abandoned industrial buildings and two older single-family dwellings (one of which is vacated) are being removed for the construction of 74 units. This unit is not significant in consideration of the number of housing units in the area and the number of residential lots created by the project.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
III. GEOLOGIC PROBLEMS. <i>Would the proposal result in or expose people to potential impacts involving:</i>				
a) Fault rupture?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The property is not within an Earthquake Fault Zone.				
b) Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> The subject site is in an area shown in ABAG's report <i>On Shaky Ground</i> as having an anticipated Modified Mercalli Shaking Intensity of IX (Violent) for a 7.0 quake on the southern segment of the Hayward Fault. The proposed project will be required to be built to the most recent Uniform Building Code regulations which considers the potential for ground shaking.				
c) Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Seiche, tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The site is not in a hilly area nor is it subject to mudflows.				
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The site is being retained as a flat site and grading will be minimal.				
g) Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment:</u> It is reasonable to conclude, from surrounding areas of the same deposition history, that the soil strata below the surface of the site contains stiff to very-stiff silts and clays of moderate to high expansion potential to a depth of approximately 21 feet. The surface soils are moderately- to highly-expansive. Building foundations will be required to be designed to mitigate the effects of the expansive soils.</p>				
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>IV. WATER. <i>Would the proposal result in:</i></p>				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment:</u> The development of the site is not anticipated to significantly change the absorption rate of the existing industrial development on the site. Minimal grading will be done in conjunction with the subdivision, which will not interfere with the existing drainage patterns on adjacent properties.</p>				
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Comment:</u> The site is not known to be subject to flooding. The site is not within a 100-year flood zone.</p>				
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: Storm drain lines will collect drainage at several locations within the subdivision and convey storm water to the existing storm drain system. The applicant is responsible for compliance with Federal, State and local water quality standards and regulations. This project is subject to a National Pollutant Discharge Elimination System (NPDES) permit.

i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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V. AIR QUALITY. *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The proposed project will be required to comply with all applicable requirements of the *Bay Area Quality Management District*. The developer will be required to develop and implement appropriate dust control measures during construction. The project is not likely to create objectionable odors, or alter air movements, moisture, and temperature or cause any change in climate. Implementation of the required conditions of approval will reduce any identified impacts to a non-significant level.

d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in:*

- a) Increased vehicle trips or traffic congestion?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment/Impact: The estimated number of afternoon peak-hour trips generated from this project is 76. According to the *103 Orchard Traffic Study*, performed by TJKM Transportation Consultants, there would not be significant traffic impacts due to the proposed project. The Alameda County Congestion Management Agency is not providing comment because the project does not meet the Tier 1 requirement of 100+ afternoon peak-hour trips requiring further study. The *Study* states that, while certain intersections already operate at Level of Service D, all intersections are expected to operate at acceptable levels of service (D or better).

However, the City of Hayward has determined that the trips to be generated by this project will result in a degradation of the level of service (LOS) at two intersections: 1) Jackson Street/Soto Road, and 2) Orchard Avenue/Soto Road. As a result of this project, the LOS at these two intersections will decrease from D to E, which is below the minimum standard (LOS D) adopted by the City. Consequently, the applicant will be required to provide a fair-share contribution to mitigate the impacts of this development.

Mitigation: 1) *Jackson Street/Soto Road Intersection:* Reconstruct the roadway divider along the north side of Jackson Street which separates Jackson Street from Barnes Court, adding a southbound right-turn lane on Soto Road and making the necessary striping and signal modifications. 2) *Orchard Avenue/Soto Road Intersection:* Add a westbound right-turn lane on Orchard Avenue, including necessary right-of-way acquisition, striping and traffic signal modifications.

Monitoring: A condition of approval requires the applicant to make a fair-share contribution of \$120,000 toward the estimated costs of providing the mitigation. The required payment is 40% of the estimated costs. The City of Hayward will be responsible for constructing the mitigation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
as warranted.				
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The Fire Department has reviewed the project. The project will have to be made acceptable to Fire Department requirements and standards. Proposed roadways are of sufficient width to provide access to emergency vehicles.				
d) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The lot sizes and street layout provide for sufficient parking for the single-family residential development proposed.				
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. BIOLOGICAL RESOURCES. <i>Would the proposal result in impacts to</i>				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The site is mostly under-developed/abandoned industrial buildings, with associated paved parking/loading areas, and no known endangered, threatened or rare species or their habitats is known to exist on the property.				
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>Comment:</u> The site is vacant of any significant landscaping.				
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HAZARDS. *Would the proposal involve:*

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: The Hazardous Materials Program Coordinator indicates that, based upon review of environmental documents and other information available (previous Phase I & Phase II investigations and shallow soil testing), it is a reasonable assumption that the level of contamination defined to date can be mitigated. Conditions of approval of the project will require that all contamination issues related to the proposal be resolved to the satisfaction of the Alameda County Health Care Services Agency, California Regional Water Quality Control Board (San Francisco Bay Region) and the City of Hayward Fire Department prior to any construction activities.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. NOISE. *Would the proposal result in:*

a) Increases in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comment: An existing noise/vibration environment is created by the Southern/Union Pacific Railroad train traffic. The railroad track is elevated above the mean level of the subject property.

Impacts: The *Railroad Noise & Vibration Assessment Study* prepared by Edward L. Pack Assoc., Inc. indicates that noise level excesses occur and mitigation measures will be required. Ground-borne vibration will be perceptible, but will be within standard limits. The future environment is expected to remain constant.

The exterior noise exposure at the most-impacted building is 63 dB DNL; the interior exposure is 48 dB. These numbers are 3 dB in excess of the City standards.

Mitigation: Conditions of approval will include the following:

- Construct a minimum 8-foot-high acoustically-effective barrier along the property line contiguous with the SPRR/UPRR tracks. The barrier must continue along the north/south property lines for a distance of 35 feet. The height of the barrier shall be measured from the level of the railroad track.
- Maintain closed at all times all second-floor windows of living spaces within 80 feet of the centerline of the tracks and with a direct or side view of the tracks. Install windows rated a minimum of STC28. Provide air conditioning.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. PUBLIC SERVICES. <i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> Based on Hayward Unified School District comment, the project will result in an estimated increase of 19 students in grades K-6. HUSD has indicated that there is sufficient classroom capacity at Muir School to accommodate the additional students. Older students attending 7 th through 12 th grades would attend Winton Intermediate School and Hayward High School. Payment of school fees will be required at the time of construction of the new units.				
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Storm water runoff is designated to drain into Flood Control District Zone 3A, Line E, a concrete-lined open-channel storm drain facility.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. AESTHETICS. *Would the proposal?*

a) Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. CULTURAL RESOURCES. *Would the proposal:*

a) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have the potential to cause a physical change which would affect unique cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION. *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: This project would result in a demand for 3± acres of additional parkland. Prior to occupancy, the project sponsor will be required to pay fees for park site acquisition and development, provide improvements on the adjacent park site or dedicate parkland.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: This project would result in an increase in the usage of the existing recreational opportunities in the Eden Greenway and at Harder Elementary School. The dedication of parkland, park improvements or payment of in-lieu fees associated with the project will offset the increased demand for recreational facilities.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

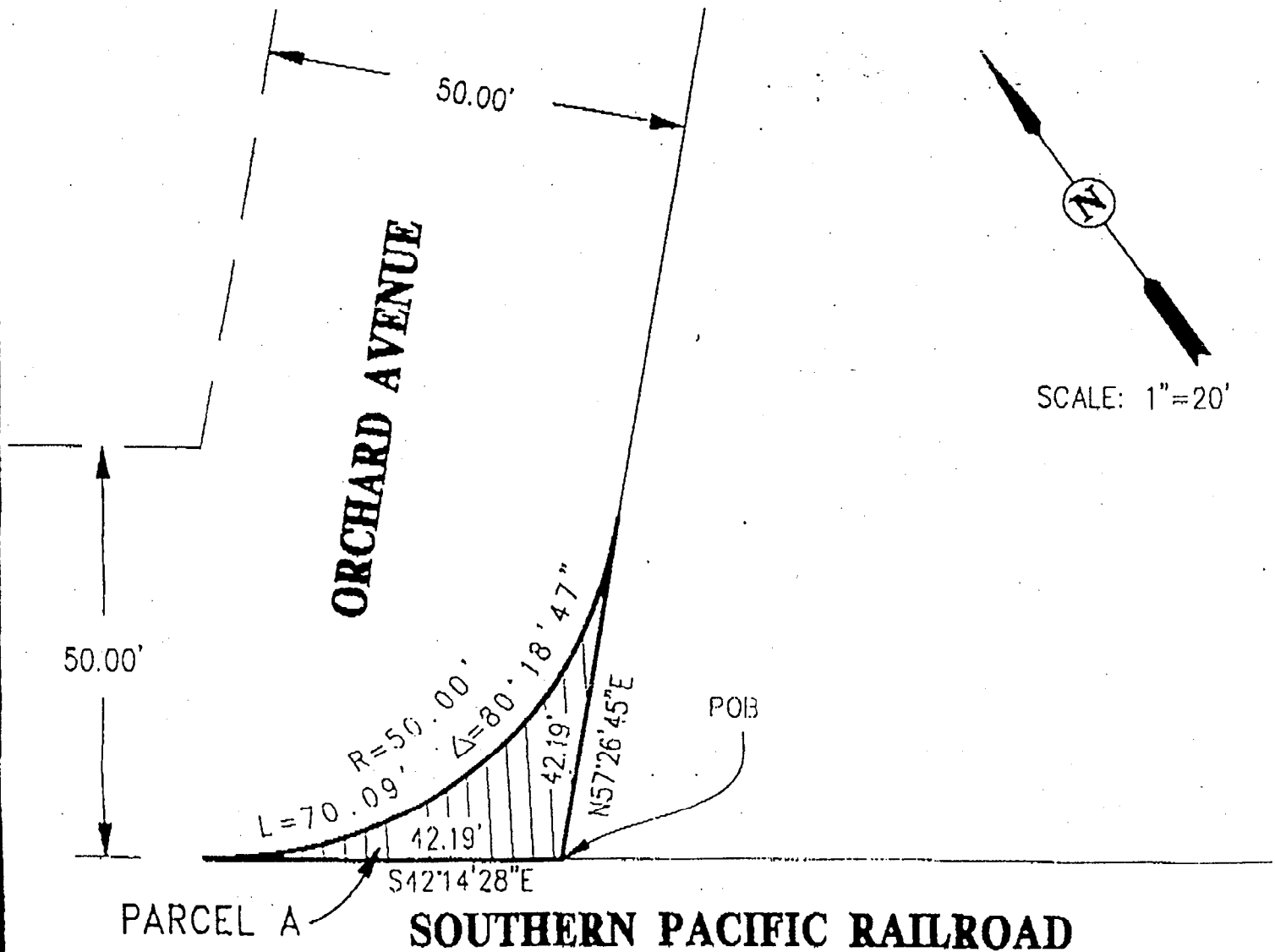
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. EARLIER ANALYSES.

- a) **Earlier analyses used.** None
- b) **Impacts adequately addressed.** Yes
- c) **Mitigation measures.** Conditions of approval.



PLAT TO ACCOMPANY LEGAL DESCRIPTION
PARCEL A DEDICATION
ORCHARD AVENUE
 CITY OF HAYWARD, CALIFORNIA
 JUNE 1999

EXHIBIT G

VACATION OF EXCESS RIGHT-OF-WAY ALONG ORCHARD AVENUE

Tentative Map Tract 7063

Greystone Homes, Inc. (Applicant)

Commissioner Caveglia moved, seconded by Commissioner Bennett, the proposed recommendation.

Commissioner Caveglia added that this was a tough decision except that it fits into the commercial corridor on Foothill. He said Commissioners had no choice but to approve the proposal.

Commissioner Bennett said the project and the architecture fit into the City plan for that area. She said her vote was in support of building and not who was running it.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Bennett, Caveglia, Zermeno
	CHAIRPERSON Williams
NOES:	COMMISSIONERS Bogue, Halliday
ABSENT:	Fish
ABSTAIN:	None

2. General Plan Amendment 98-110-04, Zone Change 98-190-09, Variance 99-180-05, Tentative Map Tract 7063 and a Request to Vacate Excess Right-Of-Way Along Orchard Avenue - Greystone Homes (Applicant)/Serra LLC et. al. (Owners) - Request to change General Plan designation from Mixed Industrial to Limited Medium Density Residential; change zoning from Industrial (I) and Agricultural (A) Districts to Single Family Residential, 4,000 square foot minimum lot size (RSB4) District; a variance to reduce the front and rear yard setbacks, a request to subdivide 5 parcels totaling 11.62+ acres into 74 single-family residential parcels, a request for a variance for the lot depth for two lots having a minimum lot-depth between 57 to 63 feet where a minimum 80-foot-depth is required and a request to vacate excess right-of-way on Orchard Avenue adjacent to the Southern Pacific Railroad right-of-way. *The property is located along the east side and adjacent to the Southern Pacific Railroad right-of-way between Orchard Avenue and the P.G.&E. easement south of Berry Avenue.*

Senior Planner McClellan presented the staff report and indicated that the project is consistent with the Neighborhood Plan for this area. He said this proposal would enhance the residential character of the neighborhood. The area is presently occupied by industrial structures and a few single-family homes, which will be removed. Adjacent to the property is the flood control channel at Berry Avenue; south of the project is a PG&E easement. He indicated that they had received an e-mail from David Smith objecting to the density of the development. The mitigated negative declaration will include four items: two related to noise and two related to traffic. There will be a 7-foot high soundwall to the north side of the tract running along the railroad tracks and for those homes within 80 feet of the centerline of the railroad tracks, a mechanical ventilation system will need to be provided. Because the living spaces have a westerly exposure, staff is requiring the installation of an air conditioning system rather than a mechanical air exchange system. The traffic mitigation measures include additions to the Harder Road Grade Separation Project and include adding turn lanes, striping, and signal modifications at both intersections of Orchard Avenue and Soto Road, and at Jackson Street and Soto Road.

Chairperson Williams commented that he had had a previous meeting with the developer at the site in April.

**DRAFT**

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers, Thursday, June 24, 1999,
7:30 p.m. 777 "B" Street, Hayward, CA 94541**

Commissioner Halliday said she had contact with a representative by phone and asked for further information about not considering the impact on schools in the area when considering development proposals.

Development Services Review Administrator Anderly said the Commission could deny the project but for reasons other than school impacts.

Commissioner Zermeño said he met with the developer at the site as well.

Public Hearing Opened at 9:04 p.m.

Sue Shaffer, Greystone Homes, 920 Hillview Court, Suite 280, Milpitas, for the developer, said they recognize the impact on the schools and were working with the school district on mitigating the increased number of students, possibly by providing playground equipment or landscaping.

Commissioner Zermeño asked how the number of 19 students was derived and was told it was computed by the school district according to a formula they have developed.

Public Hearing Closed at 9:08 p.m.

Commissioner Caveglia **moved**, seconded by Commissioner Bogue to recommend approval of this item to Council.

Commissioner Halliday said that, despite her concerns regarding the schools, she would support the motion since it is an improvement to the area and it is a good, well-planned project.

Commissioner Bennett said that, although the design is nice, she would vote against the project because of the increase in traffic from the site and the impact on the area. She said the number of lots is excessive, they are too small, and developing next to a railroad track is difficult, at best, since the homes will still get noise bouncing back from the sound wall. The design of the project could be improved by removing a couple of the lots.

Chairperson Williams said he would support the project but expressed concern regarding the impact on the schools. He said he would like to see the children and community benefit from this project. He added that the signalization on Soto would be a vast improvement.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Bogue, Kirby
	CHAIRPERSON Williams
NOES:	COMMISSIONERS Bennett
ABSENT:	Fish
ABSTAIN:	None

DRAFT



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 06/24/99

Agenda Item 2

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner
Gary Calame, Senior Planner, AICP
Bashir Y. Anastas, Development Review Engineer

SUBJECT: GENERAL PLAN AMENDMENT 98-110-04, ZONE CHANGE APPLICATION 98-190-09, VARIANCE APPLICATION 99-180-05, TENTATIVE MAP TRACT 7063 and A REQUEST TO VACATE EXCESS RIGHT-OF-WAY ALONG ORCHARD AVENUE - GREYSTONE HOMES, INC. (APPLICANT) - SERRA LLC., et. al. (OWNERS) - Request to change General Plan designation from Mixed Industrial to Limited Medium Density Residential; change zoning from Industrial (I) and Agricultural (A) Districts to Single Family Residential, 4,000 square foot minimum lot size (RSB4) District; a variance to reduce the front and rear yard setbacks, a request to subdivide 5 parcels totaling 11.62+ acres into 74 single-family residential parcels, a request for a variance for the lot depth for two lots having a minimum lot-depth between 57 to 63 feet where a minimum 80-foot-depth is required and a request to vacate excess right-of-way on Orchard Avenue adjacent to the Southern Pacific Railroad right-of-way.

The property is located along the east side and adjacent to the Southern Pacific Railroad right-of-way between Orchard Avenue and the P.G.&E. easement south of Berry Avenue.

RECOMMENDATION

That the Planning Commission recommend that the City Council:

1. Approve the Mitigated Negative Declaration;
2. Approve the General Policies Plan Map amendment and zone change request;
3. Approve Tentative Map Tract 7063;
4. Approve the variance application; and
5. Find that the vacation of excess right-of-way on Orchard Avenue is consistent with the General Plan.

DISCUSSION

Background

Recent development of new single-family homes on 4,000- and 5,000-square-foot minimum lot sizes have been constructed in the neighborhood at the southwest corner of Orchard Avenue and Soto Road and on Avocado and Fig Courts. The applicant believes that the General Plan Amendment and zone change request to allow residential uses on the property follow the pattern that is being set in the neighborhood. This is a logical step that would benefit the neighborhood with new housing and removal of older industrial uses that some consider to be in conflict with the residential uses that are adjacent. Due to the request for a General Plan amendment and zone change, this application will be heard before the City Council for a final decision. Subsequent approvals are required for the Final Map and Site Plan Review for the design of the houses.

Property/Project Description

The site is comprised of 5 parcels totaling 11.62 acres. The properties include several industrial buildings, two dwellings (one of which is uninhabited), vacant land, and a nursery (Naruo Nursery Inc.) including greenhouses, and an open metal barn-like structure. All of the buildings and other improvements will be removed to make way for the new residential development. Grade elevations at the site are approximately 67 feet above mean sea level (MSL) in the northwest corner of the property, and slope down to about 60 feet MSL in the southern portion of the site. Because of the size of the property, the site appears to be flat.

Greystone Homes, Inc., the developer/applicant, is proposing a subdivision (Tentative Map Tract 7063) of the property into 74 single-family lots ranging in size from 4,000 to 8,287 square feet. Twenty-four lots have the minimum lot size of 4,000 square feet (50' by 80'). Another 23 lots have between 4,001 and 4,999 square feet in area. Approximately 35 percent of the lots (27 lots) exceed 5,000 square feet in area. The density of the project is 6.4 dwelling units per gross acre.

Surrounding Land Uses

The project site is bounded on the east side by single family homes fronting on Lucien Way, zoned RSB6 (Single-Family Residential, 6,000 square foot minimum lot size). South of these homes, the easterly edge of the property abuts a concrete-lined flood control channel. The westerly side of the property abuts the Southern Pacific Railroad right-of-way between Orchard Avenue and the P.G.&E. easement south of Berry Avenue. The southerly border of the site abuts the P.G.&E. easement south of Berry Avenue. To the south of the easement is a multi-family residential development with access from Lund Avenue located in a Planned Development District. The north edge of the project site abuts Orchard Avenue. Across the street to the north of the site is a PacBell service and storage yard within an Industrial District. This service center dispatches approximately 70 service vehicles, six days a week to the Hayward area. The parking lot, modular office building and truck and storage yard are shielded from the proposed residential site by a row of Canary Island pine trees.

DESCRIPTION OF PROPOSED GENERAL PLAN AMENDMENT AND REZONINGS

The proposed General Plan amendment involves the two northernmost parcels within the overall project area. These parcels are located on the south side of Orchard Avenue immediately east of the Southern Pacific railroad tracks and comprise approximately 5.8 acres. The proposal is to change the General Policies Plan Map land use designation from Mixed Industrial to Limited Medium Density Residential. The accompanying zone change would be from the I (Industrial) District to the RSB4 (Residential/Single-Family, 4,000 square-foot minimum lot size) District. In addition, the southernmost parcel within the project area (approximately 1.8 acres) is proposed to be rezoned from the A (Agricultural) District to the RSB4 District. The General Plan amendment, along with the rezonings, would allow for consideration of the proposed 74-unit single-family residential subdivision on these and other intervening parcels, which together total 11.62 acres.

According to the General Policies Plan, the Mixed Industrial designation includes areas that contain older industrial uses within the central part of the city, which are typically located along railroad tracks and often surrounded by residential areas. Some areas contain substantial buildings but are presently vacant or underutilized. Future uses must be compatible with adjacent residential and commercial uses. These areas should be considered for conversion to commercial uses, residential uses, or a planned development with mixed uses, as appropriate.

Jackson Triangle Neighborhood Plan

The current General Plan land use designations for parcels in this area were established at the time the Jackson Triangle Neighborhood Plan was adopted on January 15, 1991. A key issue faced by the Neighborhood Plan Task Force was whether industrial uses should remain in the Jackson Triangle or gradually transition to residential or commercial uses. Generally, residents supported the continuation of industrial uses that are compatible with adjacent residential development. Compatibility included protection from excessive noise, truck traffic, hazardous materials, odors and unattractive buildings. The Task Force decision to recommend the Mixed Industrial designation was based on the assumption that a new "light industrial" zone would be developed to ensure the compatibility of existing and future industrial uses with adjacent residential uses. This district was never established.

With adoption of the Neighborhood Plan, the General Plan designation for the northerly parcels was changed from General Commercial to Mixed Industrial. As noted above, this was in recognition of the existing industrial zoning and manufacturing uses, as well as anticipation of the establishment of a "light industrial" zoning district. In the absence of such a zoning district, it may now be desirable to consider amending the current General Plan designation from Mixed Industrial to a more appropriate land use designation. The designation for the southerly parcels was changed from Medium Density Residential to Limited Medium Density Residential. This amendment reflected neighborhood desires for single-family development as well as a willingness to accommodate such housing units on smaller lots. The zoning for the middle two parcels was changed from Industrial to RSB4 (4,000 square-foot minimum lot size). The Neighborhood Plan Task Force felt that industrial development was not appropriate on Berry Avenue, west of Pleasant Way, due to access constraints.

Consistency with General Plan Policies

Housing and Land Use

The proposed amendment is consistent with the basic goals and strategies of the General Plan. In particular, it would implement the following housing and land use policies:

"Promote development of infill housing units within existing residential neighborhoods in a variety of housing types." (Housing Element Policy 1.2)

"Promote increased homeownership opportunities to encourage maintenance of structures and properties." (General Policies Plan IV-20.8)

"Utilize underutilized land within existing residential areas." (General Policies Plan IV-18.1)

"Redevelop some older industrial areas as new residential areas or mixed-use areas." (General Policies Plan IV-18.6)

Neighborhood Preservation

The General Plan also contains policies that encourage preservation of neighborhoods in the process of accommodating new development:

"The character and integrity of existing neighborhoods will be preserved through home ownership opportunities, housing rehabilitation, design review, traffic mitigation and neighborhood planning." (General Policies Plan IV-20)

"Consider potential significant impacts of new development (physical, economic, social, etc.) on existing neighborhoods before approval of the development." (General Policies Plan IV-20.4)

One of the most basic considerations for any community is to maintain and improve the livability of its existing neighborhoods. This task becomes more complex if the community is attempting to meet housing needs by using vacant and underutilized parcels within existing neighborhoods. Factors which add to the complexity include traffic congestion, noise, visual impacts, and loss of open space. New infill development must be sensitive to the needs and concerns of existing and future residents and any adverse impacts must be mitigated to the extent feasible.

The proposed project will be similar to the new single-family homes constructed on 4,000- and 5,000-square-foot minimum lot sizes in the neighborhood at the southwest corner of Orchard Avenue and Soto Road and on Avocado and Fig Courts. The project will abut the rear yards of homes that front Lucien Way. These older homes are single-story, where the developer of this new project is proposing two-story units. In order to maximize privacy between these abutting homes, staff will condition the site plan review application that will govern the design of the homes so that the placement of second-story windows on the rear elevation be limited and that they be oriented where feasible to a side building elevation. The planting of landscape screens will also be encouraged where necessary.

Open Space

The Jackson Triangle Neighborhood Task Force recognized the lack of park and recreational facilities in this area and included the following strategies in the plan:

"Improve recreational facilities and develop new recreational facilities on existing playgrounds at John Muir and Harder elementary school sites..." (Page 5, 5.a)

"Acquire additional land for future park development; potential park sites include the nursery properties on Soto Road at Orchard Avenue and properties on Orchard Avenue behind John Muir Elementary School." (Page 5, 5.c)

"Improve the Eden Greenway by enhancing landscaping, improving play equipment, adding picnic tables, benches and meandering walkways consistent with consideration of public health and safety." (Page 5, 5.d)

Visual

"Promote design and landscaping of infill development which is sensitive to the neighborhood during review by City staff, and boards and commissions." (General Policies Plan IV-21.10)

"Encourage visual integration of projects of differing densities within residential areas by such means as similar street elevations or landscaped buffers." (General Policies Plan IV-21.12)

The developer proposes the construction of homes that will be similar to what has already been built in the neighborhood. They also will provide the landscaping in the front yard setback in order to maintain continuity within the project as well as provide an incentive for homebuyers.

Noise

"The City will seek to protect the public health, safety and welfare against the adverse effects of excessive noise, consistent with the economic and environmental well-being of the City, and reaffirm desirability of quiet surroundings." (General Policies Plan VIII-17)

"Maintain conformity of new development with the principles and standards for land use compatibility, noise exposure and noise mitigation contained in the Noise Element." (General Policies Plan VIII-17.2)

"Encourage mitigation of noise through appropriate site planning, building orientation, interior layout and building materials." (General Policies Plan VIII-17.12)

"Integrate noise mitigation considerations into the EIR and development plan review process." (Noise Element, Page 22.2)

"Natural barriers (e.g., roads, drainage channels, PG&E rights-of-way, etc.) should be used for buffers between noise sources and noise-sensitive uses." (Noise Element, Page 27.2)

"On a site which is impacted by noise, place uses having the least degree of noise-sensitivity closest to the noise source." (Noise Element, Page 27.3)

“Railroads create very high peak levels of noise, caused primarily by wheel/rail interaction, locomotive noise, and air horns or whistles.” (Noise Element, Page 18.2)

A railroad noise and vibration assessment study for the project prepared by Edward L. Pack Associates, Inc., dated July 1, 1998, indicates that certain mitigation measures will be required to maintain noise levels to within the limits specified by City Standards. The exterior and interior noise exposures were found to be 3 dB each over the City limits of 60 dB DNL and 45 dB DNL. To achieve 60 dB DNL in the side and rear yards, the development will need to have a minimum 7-foot-high acoustically-effective barrier along the property line contiguous with the SPRR/UPRR tracks. The barrier height is in reference to the nearest building pad elevation. With raised floor construction, a 10-foot-high wall would be needed. In order to achieve acceptable interior noise levels in living spaces, the dwellings within 80 feet of the centerline of the SPRR/UPRR tracks and with a direct or side view of the tracks will need to maintain closed (at all times) all second floor windows. These homes will need to provide a mechanical ventilation system. Since the living spaces that must maintain closed windows have a westerly (hot) exposure, staff is requiring that an air conditioning system be installed rather than a mechanical air exchange system. This condition has been required in the recent approval of Sobrato subdivision on Amador Street where the units also abutted railroad tracks

The study recommendations have been augmented and incorporated as conditions of approval for the tract. The sound wall required by the noise study will be extended and stepped down on the north side of the tract along Orchard Avenue and will be maintained by a landscaping and lighting district. A proposed homeowners' association will maintain landscaping along the wall and along Loop "B".

Consistency with the Zoning Ordinance

The proposed zone change from I (Industrial) and A (Agricultural) to RSB4 (Single-Family Residential 4,000 square foot minimum lot size) is consistent with the Limited-Medium Density Residential designation. The proposed development is consistent with the requirements of the RSB4 zoning district except for the requested variances to lot depths of lots 60 and 61.

Schools

Based upon Hayward Unified School District (HUSD) 1998 figures, the proposed 74 new residences will result in an estimated increase of 19 school-age children in grades K-6. Elementary students in this proposed residential project would attend John Muir Elementary ((grades K - 6) School (Muir School). Muir School was constructed for 540 students. As of October, 1998, the enrollment was at 707. Eleven portable classrooms have been added to the campus to accommodate the additional enrollment. (Note: The School District states that the 1997-98 enrollment at Muir School reached 795 and the projections for 1998-99 were even higher, so the District moved one attendance boundary to Schafer Park School.) The State's Class Size Reduction program reduced the K-3 class size to 20:1. At Muir School, the implementation of the 20:1 program required 7 additional classrooms over the number that would have been needed if the student-teacher ratio were 30:1. There are presently 30 classrooms at the school. Classes K-3 are limited to 20 students each while 4th -6th grades are set in classes that have 30 to 35 students each.

The HUSD administration states that the approximate 19 students that would be generated from the proposed development can be accommodated at the facility. The Muir School principal, however, points out that if this number is correct, an additional portable classroom will have to be sited on the campus which has been losing its play area to classrooms. The principal also states that the multi-purpose room at Muir School is impacted which has caused the school to schedule four lunch periods. The district administration states that with the continual increase in student population in the area, other attendance boundary changes will more than likely occur at this school and that they will be reopening other school campuses (e.g. Bidwell) and will be making further adjustments to school attendance boundaries.

The developer will be required to pay the statutory per square foot school tax at the time of construction of the new units.

With the passage of Proposition 1A on November 3, 1998, local governments are prohibited from denying projects based on the adequacy of school facilities and from seeking funds to mitigate impacts in excess of \$1.93 per square foot for residential construction. The school district is currently seeking funds made available by the State. The developer has been informed that in some of the recent subdivision applications, the developers have been working with the school district to mitigate impacts that the standard school fee would not cover.

Open Space & Recreation Impacts

A zone change on 11.62 acres from Agriculture and Industrial to RSB4 would result in an estimated demand for 1.06 acres of additional park land. Park and open space areas within the Jackson Triangle Neighborhood are provided by the Eden Greenway (18.2 acres), Harder Elementary School and Muir School. The *Jackson Triangle Neighborhood Plan* identified the need for improvements to Eden Greenway such as benches, paved pedestrian and bicycle paths, trees, enhanced landscaping, playground equipment, tennis courts, and sidewalks along the street frontages. Mitigation measures to be implemented by the project sponsor, required at the time of site development, will include one, or a combination of the following: improvements to Eden Greenway, payment of fees for park site acquisition and development, or dedication of park land as approved by Hayward Area Recreation and Park District (HARD) and the City of Hayward.

The applicant favors improving the adjacent 1-acre P.G.&E. easement area since the recreational space would be beneficial to their proposed tract. In order for this site to be used as such, HARD will have to obtain an easement from P.G.&E. This parcel will also have to be tied to the linear greenway to the east by construction of a pedestrian bridge across the flood control channel. The City, HARD and developer have not resolved how the greenway is to be developed at this time. The conditions of approval have been conditioned to collect the park dedication fees or enter into an agreement with HARD for improvement of the Eden Greenway. Staff anticipates that some agreement can be reached before this matter is heard by the City Council.

DESCRIPTION OF THE TENTATIVE MAP

All of the subdivision lots are consistent with the requirements of the proposed zoning, except for lots No. 60 and 61, which require a variance for lot depth. These lots have a minimum depth of 57 and 63 feet respectively, less than the required minimum lot depth of 80 feet. However, both lots exceed the minimum required lot size of 4,000 square feet. (Lot 60 is 5,897 square feet, and Lot 61 is 6,450 square feet)

Request for Variance

The narrow width of the overall property and the proposed street layout result in the creation of two lots that require the granting of a variance for lot depth, for Lots 60 and 61. Given the shape of the tract property, the street layout, and the fact that there are no lots facing the street on that section of "B" Loop, staff finds that the required findings for variance can be made, as shown by the attached Exhibit "D".

Granting a variance for lot-depth necessitates the allowance of variances to the required street-front and rear yard setbacks. The applicant has rotated the homes on the two lots so that the side elevation of each dwelling faces the street, with 20-foot front and rear yards provided relative to the house. Street-wise front yard setbacks will be 10 and 15 feet, and rear yard setbacks will be 9 and 10 feet, for lots 60 and 61 respectively. These minimum setbacks are reflected in the project's conditions of approval.

The tract conditions also include a requirement that these lots be developed with customized floor plans that maximize the privacy of abutting lots, as approved of the Planning Director. Suggested privacy design measures include incorporating high vaulted ceilings that prevent a direct line of sight from the second floor into the rear yards of the abutting homes. Other conditions require decorative façade treatment on the side and rear elevations of these units, including the use of bay windows, pop-outs or similar treatment.

Subdivision Layout

The subdivision street classifications are consistent with those in the surrounding area. The proposed street pattern provides for a connecting street between Orchard and Berry Avenues, a "loop" street serving eight lots, and two cul-de-sacs. Street cross-sections are standard 46-foot-wide with parking and sidewalks on both sides of the street, with the exception of the loop street which has a 40-foot section with parking on one side and sidewalks terminating in the vicinity of the wall, replaced by landscaping along the wall. A single-loaded street ("B" Loop) along the railroad right-of-way provides additional separation between homes and the noise/vibration source, which is desirable. There are four lots along this single-loaded street, none of which face the street or the sound wall.

Circulation and Traffic

Access to the project will be from Orchard and Berry Avenues, both local streets that intersect Soto Road, a primary collector. The pavement on Berry Avenue is in poor condition and cannot adequately serve traffic from 74 additional homes without rehabilitation. Therefore, the tract is conditioned, and the applicant has agreed, to rehab and overlay Berry Avenue south of Soto Road as needed infrastructure for the development.

A traffic study commissioned by the applicant, which analyzed the Level Of Service (LOS) at intersections in the project vicinity concluded that as a result of the project, the existing LOS at the intersections of Orchard Avenue and Soto Road, and at Jackson Street and Soto Road will degrade from LOS "D" to LOS "E". The applicant will therefore be required, and has agreed, to contribute to needed improvements at these intersections. The improvements, which will be done as part of the Harder Road Grade Separation Project, include adding turn lanes, striping, and signal modifications at both intersections. The project's fair-share contribution of \$120,000 is approximately 40 percent of the estimated improvement costs for the two intersections.

Right-of-Way Vacation

Orchard Avenue turns from an east-west direction to an approximate north-south direction where it meets the railroad right-of-way (at the northwest corner of the site). The tract improvements include installing frontage improvements on Orchard Avenue consistent with the street's ultimate right-of-way width. Any right-of-way outside the Orchard Avenue curve and along the tract's sound wall will not be needed, and is more appropriately merged with the adjacent parcel (Lot No.74). Therefore, the tract conditions include the requirement for merging this excess property with the adjacent lot. The applicant is not required to pay for the property since the area involved is fairly small, irregularly shaped, and is not needed by the tract.

Utilities & Engineering Services

No major issues related to utilities and engineering services are identified for this project. The soils report for the project indicates that the site is suitable for the type of development proposed, and utility service providers indicate that adequate capacity is available to serve the project subject to standard improvement requirements. Water, sewer, and storm drain facilities will be constructed to public standards, connecting to existing public facilities in Orchard and Berry Avenues.

Grading

Only minor, balanced grading is anticipated to be required for development of the property. The grading proposed in conjunction with the subdivision will not interfere with existing drainage patterns, nor will it increase drainage to the surrounding area.

Environmental Site Assessment (Hazardous Materials)

The environmental site assessment report for the project indicates that no significant environmental risk from pollutants and contaminants was identified. The applicant has obtained site clearance from Alameda County Health Department and the City of Hayward Fire Department.

Trees

HortScience, Inc conducted a tree survey on the property on April 15, 1999. Twenty-three trees were surveyed which represent nine species. Silver dollar gum was the most common species with nine trees. Other trees on the property include a Deodara cedar, Red ironbark eucalyptus, California black walnut, English walnut, Sweetgum, Photinia and Lombardy poplar. Most of the trees were clustered on the north end of the large warehouse building fronting Orchard Avenue. The condition ratings for the trees were based on a visual assessment of tree health and structure. Only two trees were rated in good condition. The tree survey indicates that the overall fair-to-poor condition of the trees is a reflection of the neglected state of the property. The report recommends that only one tree be preserved. This is a compact blue gum, which is located on

the north edge of lot 20. The trunk appears to straddle the property line. The applicant proposes that all trees, except the Compact blue gum will be removed to accommodate site grading and construction of new streets. Additional trees will be planted on site, or the size of new street trees will be upgraded to mitigate the loss of tree canopy.

ENVIRONMENTAL REVIEW

Consistent with State CEQA and City Guidelines, an Initial Study and Mitigated Negative Declaration was prepared and circulated for a period of 20 days beginning on May 21, 1999. A notice of its availability for review and notice of this hearing were sent to all property owners and occupants within 300 feet of the perimeter of the property and to other interested parties. The environmental review concluded that the project, with the recommended mitigation measures, would not have a significant effect on the environment.

Mitigation measures in the Initial Study that are called out as requirements for this project are as follows:

- Jackson Street/Soto Road Intersection: Reconstruct the roadway divider along the north side of Jackson Street which separates Jackson Street from Barnes Court, adding a southbound right-turn lane on Soto Road and making the necessary striping and signal modifications.
- Orchard Avenue/Soto Road Intersection: Add a westbound right-turn lane on Orchard Avenue, including necessary right-of-way acquisition, striping and traffic signal modifications.
- Noise Mitigation: Construct a minimum 7-foot-high acoustically-effective barrier along the property line contiguous with the SPRR/UPRR tracks.
- Internal Air Circulation: All second-floor windows of living spaces within 80 feet of the centerline of the railroad tracks and with direct or side view of the tracks shall be provided an air condition system so that windows may remain closed in warm weather. Installed windows shall have a minimum rating of STC28.

Public Notice and Preliminary Meeting

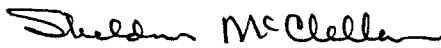
Property owners and residents within 300 feet of the project boudoirs, former members of the Jackson Triangle Neighborhood Task Force and all other interested parties were invited to a preliminary meeting held on April 1, 1999, to review and comment on the proposed development. Other than staff members and the applicant and applicant's engineer attending the meeting, two businessmen who operate businesses on the west side of the railroad tracks and Huntwood Avenue attended the meeting but did not comment on the proposed subdivision. They had a general question regarding whether the City was going to rezone the Industrial District to residential uses on the west side of the tracks. Staff responded that the area in question was not part of the subject application. Individuals who resided in the area attended an earlier meeting. They objected to the project based on increased traffic, the relatively small lots and the resulting loss of privacy given the 2-story homes on small lots.

On May 21, 1999, a notice of Planning Commission public hearing was mailed to all property owners and occupants within 300 feet of the project boundaries, other interested parties, and former members of the *Jackson-Triangle Neighborhood Task Force*. On this same date, a public hearing notice was published in the Daily Review. Because of a change in the hearing date, which was rescheduled for June 24, 1999, a new notice was mailed to the above stated parties.

CONCLUSION

The proposed General Plan Amendment and the rezoning of the property to allow residential development to occur on the five parcels is consistent with the intent and policies of the *General Policies Plan* and the *Jackson Triangle Neighborhood Plan*. Both encourage limited medium density housing and the opportunities for home ownership. The project is compatible with the surrounding uses and development pattern and will enhance the residential character of the area. Staff supports the subdivision of 74 lots as proposed. The requested variances to Lot 60 and 61 are supportable and will not lessen the quality of the project or impact adjoining lots under the conditions recommended by staff. The attached conditions are standard for residential subdivisions in Hayward, with the exception of numbers 2, 10-13, 15, 17-19 and 53 which relate to mitigation for traffic impacts, noise mitigation, deposit of fees for the formation of a landscape and lighting district, special design requirements for Lots 60 and 61 and fencing requirement for the P.G.&E easement area.

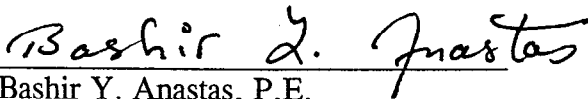
Prepared by:



Sheldon McClellan
Senior Planner

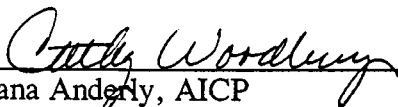


Gary Calame, AICP *by SE*
Senior Planner



Bashir Y. Anastas, P.E.
Development Services Engineer

Approved by:



Dyana Anderly, AICP
Development Review Services Administrator

Attachments:

- A. Area Map
- B. Findings for Approval – General Plan Amendment/Zone Change
- C. Findings for Approval – Tract 7063
- D. Findings for Approval – Variance to Lot-Depth and Setbacks
- E. Conditions of Approval - Tract 7063
- F. Negative Declaration
Tentative Map Tract 7063
Preliminary Site Plan

DRAFT

JP 7/9/99

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10-1.136 OF
CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL
CODE BY REZONING CERTAIN TERRITORY LOCATED
ON ORCHARD AVENUE ALONG THE EAST SIDE OF THE
SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY
PURSUANT TO ZONE CHANGE APPLICATION NO. 98-
190-09

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. Section 10-1.136 of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located on Orchard Avenue along the East side of the Southern Pacific Railroad Right-of-Way from I (Industrial) District to RSB4 (Single-Family Residential 4,000 square foot parcel minimum District and the southernmost parcel of the same property from A (Agricultural) District to RSB4 (Single-Family Residential 4,000 square foot parcel minimum District.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ____ day of _____, 1998, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the ____ day of _____, 1998, by the following votes of members of said City
Council.

AYES:

NOES:

ABSTAIN:

DRAFT *ms 7/9/99*

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION APPROVING MITIGATED NEGATIVE
DECLARATION AND ZONE CHANGE APPLICATION NO.
98-190-09**

WHEREAS, Zone Change Application No. 98-190-09 concerns a proposal to rezone property located on Orchard Avenue along the east side of the Southern Pacific Railroad Right-of-Way from I (Industrial) District to RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size) District and the southernmost parcel from A (Agricultural) District to the RSB4 District, as set forth in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, a mitigated negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the mitigated negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward.

WHEREAS, the City Council hereby finds and determines that:

1. The change in land use designation on the General Policies Plan Map and rezoning will have no significant impact on the area's resources, cumulative or otherwise, and the Mitigated Negative Declaration is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgment of the City Council, based on the fact that the project could not have a significant environmental impact;
2. The proposed land use and zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the extent and density of development will be guided into a cohesive pattern that maintains zoning consistency and furthers the City's goal to provide for residential

development that offers home ownership housing opportunities as expressed in the Housing Element;

3. The proposed land use and zone change is in conformance with the City's General Policies Plan, the Jackson Triangle Neighborhood Plan and the Zoning Ordinance;
4. The proposed zone change and site development plans with a density of 6.4 units/acre are in conformance with the General Policies Plan Map designation of Limited medium Density Residential (8.7-12 units/acre) and are consistent with the purpose and requirements of the Single-Family Residential zoning district to provide a suitable environment for family life;
5. The streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, Zone Change Application No. 98-190-09 is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

JP 7/19/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION APPROVING GENERAL POLICIES PLAN
AMENDMENT APPLICATION NO. 98-110-04, AND
AMENDING GENERAL POLICIES PLAN MAP IN
CONNECTION WITH ZONE CHANGE APPLICATION
NO. 98-190-09**

WHEREAS, Zone Change Application No. 98-190-09 concerns a request to to rezone property from I (Industrial) District to RSB4 (Single-Family Residential 4,000 square-foot minimum lot size) District, requiring an amendment of the General Policies Plan Map (General Policies Plan Amendment Application No. 98-110-04) to change the General Policies Plan Map land use designation from mixed Industrial to Limited Medium Density Residential, as set forth in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendment on June 24, 1999 and recommended approval by the City Council; and

WHEREAS, Tuesday, July 13, 1999, at the hour of 8:00 p.m., in the Council Chambers, 777 'B' Street, Hayward, California, was fixed as the date, time, and place for holding a public hearing on the proposed amendment; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held; and

WHEREAS, supporting findings and a negative declaration were approved in connection with the zone change application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the General Policies Plan Amendment Application No. 98-110-04 is hereby approved and is to be incorporated into the City of Hayward General Policies Plan Map.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT JB 7/9/98

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION CERTIFYING THAT THE MITIGATED
NEGATIVE DECLARATION FOR TENTATIVE MAP 7063
HAS BEEN COMPLETED IN COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
APPROVING THE TENTATIVE MAP FOR TRACT 7063
AND VARIANCE REQUEST FOR LOTS 60 AND 61**

WHEREAS, there has been presented to the City Council of the City of Hayward a tentative map for Tract 7063 to subdivide two parcels totaling 11.62 acres into 74 single-family residential lots located on Orchard Avenue along the east side of the Southern Pacific Railroad right-of-way, and in connection therewith a variance request to decrease the front and rear yard setbacks of homes on lots 60 and 61 which have a lot depth of 57 and 63 feet respectively where an 80 foot minimum lot depth is required; and

WHEREAS, a mitigated negative declaration has been prepared and processed for this subdivision in accordance with City and state CEQA guidelines; and

WHEREAS, the Planning Commission considered the matter at its June 24, 1999 meeting and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the mitigated negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the mitigated negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council hereby finds and determines that:

1. The tentative tract map for 74 single-family residential lots as conditioned has been found to be in substantial conformance with the project reviewed under the attached Mitigated Negative Declaration, which reflects the independent judgment of the City Council.

2. The proposed subdivision is consistent with the General Policies Plan and the City's Subdivision Regulations, in that it is compatible with the objectives, policies, and the general land use and programs specified in the General Plan.
3. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
4. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
5. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
6. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
7. Upon completion and implementation of the required mitigation measures and proposed conditions of approval, the streets and utilities would be adequate to serve the development; and

WHEREAS, the City Council hereby further finds and determines with respect to the approval of the Variance request for lots 60 and 61 that:

8. There are special circumstances applicable to the properties because both lots exceed the minimum lot size of 4000 square feet, Lot No. 60 is 5,897 square feet and Lot No. 61 is 6,450 square feet, and the need for the variance was the result of a preferred street layout by the City;
9. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties under the same zoning classification, in that these lots significantly exceed the minimum area required for the underlying zoning classification; and
10. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone in which the property is situated, in that setback requirements will be satisfied for a turned orientation, and additional constraints are placed as a condition of granting the variance.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the tentative map for Tract 7063, subject to the conditions of approval attached hereto as Exhibit "A" .

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Variance Application No. 99-180-05 for an variance from setback requirements for lots 60 and 61 is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA _____ , 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ms 7/9/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Councilmember _____

**RESOLUTION SUMMARILY VACATING EXCESS RIGHT-
OF-WAY ON A PORTION OF ORCHARD AVENUE IN
CONNECTION WITH TENTATIVE TRACT MAP 7063**

WHEREAS, the Director of Public Works has advised that redesign of the street in connection with tentative tract map 7063 has resulted in an excess right-of-way on a portion of Orchard Avenue, more particularly described in the attached Exhibit "A"; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council hereby finds and determines that the right-of way on the lots described in Exhibit "A" is not required for street or public purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that pursuant to California Streets and Highways Code section 8334(a) it is hereby ordered that the right-of-way on the parcels described on the attached Exhibit "A" are hereby vacated, and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward